

# ORDINANCE 1556

## **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, CREATING A NEW NBMC CHAPTER 9.245 RELATING TO RENTAL HOUSING SAFETY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, in the interest of public health, safety and welfare, the North Bend City Council desires to regulate rental housing in the City as set forth herein;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

### **Section 1. Findings:**

A. The citizens of the City of North Bend have a right to safe rental housing and the City should assist rental property owners and managers to reduce the occurrence of criminal conduct on rental properties. The City Council finds that it is a proper exercise of its police powers to require rental property owners to take reasonable steps to prevent the use of rental property for criminal purposes, and that rental property owners should be penalized in the event they take no action to discourage crime from recurring on their rental properties. The City Council further finds that increased cooperation between property owners, tenants and the City's police department is integral to reduce such crime.

B. Existing City code provisions have proven ineffective in encouraging rental housing property owners with criminal activity occurring on their property to take the proper steps necessary to help the City's police department to stop or deter crime.

C. This Ordinance has been developed to give the police department and rental housing property owners the tools necessary to maintain and improve the safety, quality and appearance of rental properties, and therefore, provide a safer living environment for renters and for the surrounding community.

D. Enforcement of this Ordinance through issuance of civil infraction notices as provided in RCW Chapter 7.80 will use procedures with which the police department and municipal court are accustomed. The municipal court will conduct hearings on infractions, with a police officer presenting evidence in support of the infraction notice.

**Section 2. New NBMC Chapter 9.245 (Rental Housing Safety) Established:** A new North Bend Municipal Code Chapter 9.245 is hereby established to be entitled "Rental Housing Safety" and to read as follows:

## **9.245.010 Definitions**

The definitions set forth in this Section apply throughout this Chapter unless the context clearly requires otherwise:

A. “Criminal conduct” means reasonable suspicion that:

1. A “more serious offense” has occurred as defined in RCW 9.94A.030;
2. Gang or gang-related activity, as those terms are defined by RCW 59.18.030, has occurred on the rental property; and
3. Drug-related activity pursuant to RCW 59.18.130 has occurred on the rental property.

B. “Landlord” means:

1. The owner, lessor or sublessor of the dwelling unit or the rental property of which it is a part and a person designated as a representative of the landlord;
2. A person or business entity such as a corporation, limited liability corporation, partnership, or agency that owns, operates or manages rental housing or rental property; and
3. A person, designated by the landlord, who has authority to sign a lease or rental agreement.

C. “Police Department” means the North Bend Police Department or a law enforcement officer who has general authority, limited authority or specially commissioned Washington state peace officer, or any federal peace officer, as those terms are defined by chapter 10.93 RCW.

D. “Reasonable steps to reduce the likelihood that criminal conduct will recur on the property” means that the landlord reports criminal conduct that occurs on the property whenever the commission of criminal conduct on the rental property is known or suspected, and that the landlord takes steps to prevent the recurrence of

crime, which may include, but are not limited to, one of the following:

1. The landlord and on-site managers of the rental property show proof of attendance in at least a three-hour landlord training class. Training may be provided by local police departments, rental housing associations, on-line training or any other training program approved by the Police Department. The training must be about rental property management, crime free properties, tenant screening or landlord-tenant law;
  2. The landlord pursues eviction to judgment of the tenant who is the subject of a notice issued in accordance with Subsection 9.245.020 of this Chapter, and begins the eviction process within thirty days after the third notice is issued; or
  3. The landlord requests the City's assistance in accordance with Section 9.245.030 of this Chapter.
- E. "Rental agreement" or "lease" has the same meaning as "rental agreement" defined in RCW 59.18.0301.
- F. "Rental housing" or "rental property" means a rental housing facility that is rented or intends to be rented, is located on a single parcel or lot and for which a postal address exists or may exist for each individual unit, and the common areas and appurtenances to the rental housing facility. "Rental housing" or "rental property" includes any mobile home park or manufactured housing community as those terms are defined by RCW 59.20.030. "Rental housing" or "rental property" does not include the following:
1. A retail, commercial or industrial rental;
  2. A registered and licensed nursing home; or
  3. A properly registered and licensed assisted living facility.
- G. "Tenant" had the same meaning as "tenant" in RCW 59.18.030 and 59.20.030.

**9.245.020 Criminal Conduct on Rental Property - Notice**

- A. A landlord shall take reasonable steps to ensure that its rental property is not used for criminal conduct. If a landlord is notified by the Police Department that criminal conduct has occurred on the property, the landlord shall take reasonable steps to reduce the likelihood that criminal conduct will recur on the rental property. Repeated criminal conduct committed by tenants or guests on the rental property shall result in a civil infraction chargeable to the landlord.
- B. Upon the occurrence of criminal conduct on the rental property, the Police Department may cause notice to be sent to the landlord setting forth the date of the occurrence, the location of the occurrence, the nature of the occurrence and the name of the person who engaged in the criminal conduct. Notice may be sent whenever the Police Department has probable cause to believe that criminal conduct has occurred on the rental property. Notice is deemed properly delivered when it is either served upon the landlord or a property manager of the rental property by certified mail to the last known address of the landlord. The issuance of the notice in this Subsection is a prerequisite to the issuance of a notice of infraction under Subsection C of this Section, and the issuance of the civil infraction under Subsection C of this section constitutes the notice of the fourth instance of criminal conduct.
- C. If a landlord receives more than three notices under Subsection B of this Section regarding instances of criminal conduct committed in the same dwelling unit or anywhere on the rental property by the same tenant or any guest of the tenant within any six-month period, the landlord shall be deemed to have committed a civil infraction if they have not taken reasonable steps to reduce the likelihood that criminal conduct will recur on the rental property. If the criminal conduct is committed by guests of tenant, the City need not establish that the criminal conduct was committed by the same guest. Each instance of criminal conduct committed in the same dwelling unit or anywhere on the rental property by the same tenant or any guest of the tenant in excess of three instances of criminal

conduct in a six-month period is an additional civil infraction chargeable to the landlord.

#### **9.245.030 Landlord Request for Assistance**

- A. A request for the assistance of the City in accordance with this Section is considered a reasonable step to reduce the likelihood that criminal conduct will recur for the next single violation of the rental property, but only if the landlord cooperates with the City's assistance and takes reasonable measures to implement the suggested methods of the City to reduce the recurrence of criminal conduct on the rental property. A request for assistance does not relieve the landlord of the duty to comply with this Chapter.
- B. When criminal conduct occurs on the rental property, or the occurrence of criminal conduct on the rental property is suspected by the landlord, the landlord may request the assistance of the Police Department in taking steps to reduce the likelihood that criminal conduct will recur on the rental property. The City shall assist landlords when such a request is made. The assistance may include, but is not limited to, the following:
  - 1. Providing the landlord with information permitted to be disclosed by law relating to the criminal conduct that occurred on the rental property;
  - 2. Having a law enforcement officer communicate with the tenant suspected of engaging in the criminal conduct regarding the ramifications of continued criminal conduct; and
  - 3. Providing the landlord with resources available to assist the landlord in pursuing eviction of the tenant.
- C. The Police Department may work with other agencies providing advice to rental property owners or tenants in providing assistance under this Chapter.

**9.245.040 Violation.**

A. A violation of this Chapter is a class 2 civil infraction for the first offense and a class 2 civil infraction for each offense thereafter punishable under chapter 7.80 RCW.

B. Except as set forth in this Chapter and except as other rules apply, the Infraction Rules for Court of Limited Jurisdiction (“IRLJ”) and all local rules and policies as promulgated by the North Bend Municipal Court shall govern infraction proceedings including any appeals.

**Section 3. Severability:** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 4. Effective Date:** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 2<sup>ND</sup> DAY OF JUNE, 2015.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: June 10, 2015  
Effective: June 15, 2015

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**Susie Oppedal, City Clerk**